

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re: DAVID PENN (DECEASED)  
JANICE JANINE PENN,  
  
Debtors.

Case Number: 12-12644 JDL  
Chapter 13

**MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN, REQUEST FOR  
ATTORNEY FEES, AND NOTICE OF OPPORTUNITY FOR HEARING**

DAVID PENN, now deceased, and JANICE JANINE PENN, Debtors in the above-captioned Chapter 13 proceeding, herein request that the Court enter an order modifying the Chapter 13 Plan confirmed by the Court on September 7, 2012, pursuant to 11 U.S.C. §1329. Debtor(s) herein would propose the following modifications to the confirmed Chapter 13 Plan:

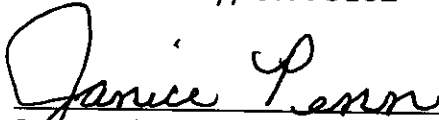
1. To provide that Debtors are current on Plan payments through June 2015;
2. To provide for a decrease in Debtors' Plan payment to \$165.00, beginning in July 2015;
3. To provide for the surrender of Debtors' principal residence, the real property located at 8201 NW 98th Street, Oklahoma City, OK 73162, back to Bank of America, N.A. and FAA Credit Union, the first and second mortgage holders respectively, in full satisfactions of the underlying obligation thereon, and;
4. To provide that counsel for Debtor(s) receive \$500.00 for services rendered in this matter, to be paid at the rate of \$75.00 per month through the Plan pursuant to the Guidelines and without the necessity of filing a fee application for the same.

In support of this motion, Debtor(s) would respectfully state that Ms. Penn is retiring from her job due to medical problems, and that her income will be reduced accordingly by approximately half.

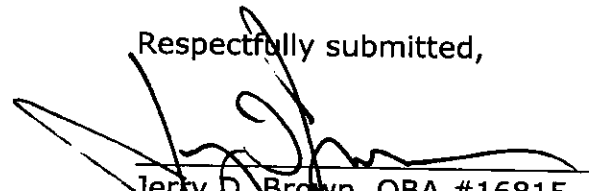
WHEREFORE, given the above facts and arguments, Debtor(s) request that the Court enter an order modifying the confirmed Chapter 13 Plan, and for other such relief as the Court deems just and proper.

DECEASED

Debtor  
8201 NW 98th Street  
Oklahoma City, OK 73162

  
Joint Debtor (If Necessary)

Respectfully submitted,

  
Jerry D. Brown, OBA #16815  
JERRY D. BROWN, P.C.  
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Oklahoma City, OK 73118  
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(405) 841-1001 (Fax)  
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Attorney for Movant

#### **NOTICE AND OPPORTUNITY FOR HEARING**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Ave., Oklahoma City, OK 73102, no later than 24 days from the date of filing of this request for relief. You should also serve a file-

stamped copy of your response or objection on the undersigned movant (and others who are required to be served) and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 24-day period includes the 3 days allowed for mailing, pursuant to Rule 3015(g) and 9006(f) of the Federal Rules of Bankruptcy Procedure.

**CERTIFICATE OF SERVICE**

I, Jerry D. Brown, hereby certify that on the 8th day of June, 15 a true and correct copy of the above and foregoing instrument was mailed, with proper postage prepaid, to all parties listed below:

Midland Funding LLC  
American InfoSource  
PO Box 4457  
Houston, TX 77210-4457

PRA Receivables Mgmt.  
PO Box 41067  
Norfolk, VA 23541

Recovery Mgmt. Systems  
25 SE 2nd Ave. Ste. 1120  
Miami, FL 33131-1605

  
Jerry D. Brown, OBA #16815